

Are You on Facebook, Twitter, or other Social Media Sites? Improper Use Could Result in Licensure Discipline

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The advent of Social Media (Facebook, MySpace, Twitter, Flickr, blogs, etc) created new ways for individuals to communicate with each other as well as voice opinions for the world to read. Millions of people around the world use the various Social Media tools to invite family members to a reunion, communicate about anti-government protests (as seen in Iran last year), post photos of vacation destinations, and, on some occasions, post inappropriate information.

The Board of Nursing investigates written complaints to determine if a violation of the Nurse Practice Act and Alabama Board of Nursing Administrative Code occurred. In the past two years, approximately 10 cases of inappropriate use of social media resulted in discipline of nurses' licenses. Unprofessional conduct was the violation in each of the cases that resulted in discipline. The **Nurse Practice Act** specifies unprofessional conduct as a basis for discipline, "g. Is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health." (**Ala. Code, 1975, § 34-21-25(b)(1)(g)**). The **Alabama Board of Nursing Administrative Code** provides a list of various activities that, if proven, can result in unprofessional conduct discipline. One activity listed is "(h) Failure to respect or safeguard the patient's dignity, right to privacy, and confidential health information unless disclosure is required by law." (**Ala. Admin. Code, § 610-X-8-.03(7)(h)**).

How was social media used to lead to a charge of unprofessional conduct? A licensed nurse posted information on Facebook about her patients. While she did not use names, she indicated where she worked (name of employer) and the unit where she worked. There was sufficient information about the patients that someone could have figured out who the patients were that she was discussing. It also didn't help that she posted the information while at work!

The author has an extensive history in emergency nursing. Those of us who are emergency nurses have seen all sorts of foreign bodies in all sorts of orifices. We also know that patient's often feel humiliated when describing the activity or situation that resulted in a trip to the emergency department. Taking pictures with one's personal cell phone of the foreign body showing on an x-ray and then sending that photo to others is a violation of patient privacy if the patient did not consent. I have slides of foreign bodies from a previous employer that I used for teaching purposes. The difference is that the patients whose pictures I have gave permission for the hospital staff to take a picture for use in teaching. I did not use my own personal camera and I did not take the picture or use the picture without consent of the patient. Facilities have policies about photography of patients

and following those policies is especially important when embarrassment may result from a photo being distributed to others. What if the nurse did not take the picture but someone else took the picture? Each licensed nurse still has the responsibility for protecting patient privacy and dignity so if someone else is infringing on the patient's privacy and dignity, the licensed nurse has a responsibility to protect the patient.

The Board also received complaints about postings on Facebook and MySpace with photos of the licensed nurse off-duty. While you may not "friend" individuals on Facebook that you don't know, your friends have friends who have friends. The Board investigates complaints by reviewing what is on Facebook. Sometimes the postings are borderline acceptable. A photo of a nurse who appears drunk and posts information about how much booze he ingested or the newest drug that he tried raises concerns for many members of the public. The nurse may say that the Board has no authority to review what is done in off time. However, the Board routinely disciplines nurses for behavior or conduct that occurred and ended with the licensed nurse having criminal charges.

Storytelling is common among nurses. Sharing information about difficult patients, the impact of patients on us, and talking about difficult families helps us get through tough days. When we are treated as servants rather than professionals (room service in a hospital is different than room service in a five-star hotel!), we may want to share our frustrations with our colleagues. Debriefing with members of the health care team following a particularly difficult case may be useful to address the concerns and responses of those caring for the patient. Posting the frustration or concerns about the difficult case on social media sites could result in the reader being offended that a member of the nursing profession complains about patient care. A report to the Board of Nursing may follow.

The next time you think about posting a comment about patient care on one of the social media sites that you use, ask yourself if the same comment (or photo) would be appropriately posted on the front page of a newspaper along with your identification as the one who posted the comment. If the answer is "No" it would not be appropriate on the front page, do not post it to a social media site!

Any questions about this topic or other issues, feel free to contact the Board of Nursing or the author (abn@abn.state.al.us; Genell.Lee@abn.alabama.gov).